

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**DEREK WASHINGTON,**  
**Petitioner,**

**v.**

**SUPERINTENDENT  
JAMEY LUTHER, et al.,**  
**Respondents.**

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**CIVIL ACTION NO. 20-CV-4505**

**ORDER**

**AND NOW** this 24th day of October, 2022, upon consideration of Petitioner's Petition for Writ of Habeas Corpus (Doc. No. 1), the Commonwealth's response (Doc. No. 15), the other documents filed by the parties, after reviewing the Report and Recommendation ("R&R") of United States Magistrate Judge Carol Sandra Moore Wells, and the time for objections having since passed,<sup>1</sup> it is **ORDERED** that:

1. The Report and Recommendation is **APPROVED** and **ADOPTED**;
2. The Petition for Writ of Habeas Corpus is **DISMISSED** and **DENIED**; and
3. A certificate of appealability is **DENIED**.

**IT IS SO ORDERED.**

**BY THE COURT:**

/s/ **KAREN SPENCER MARSTON**

**KAREN SPENCER MARSTON, J.**

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<sup>1</sup> On September 20, 2022, the copy of Judge Wells's R&R that went sent to Washington was returned from the United States Postal Service ("USPS") as undeliverable. (*See* Doc. No. 23.) The Court obtained Petitioner's most recent address from the Department of Corrections and parole supervisors, and the Clerk's Office re-sent the R&R to Petitioner at that address via certified mail on September 29, 2022. According to the USPS tracking service (tracking number 9407111899562993095001), the R&R was delivered on October 1, 2022.